

Appl. No. : **10/613,596**
Filed : **July 3, 2003**

AMENDMENTS TO THE DRAWINGS

The attached sheets of formal drawings replace the original informal sheets including Figures 1-20. No new matter has been added.

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REMARKS

Claims 1-9, 15-35, 67-75, and 81-101 stand rejected. Claims 1-9, 15-35, 67-75, and 81-101 are pending in the application and are presented for reconsideration and further examination in view of the following remarks. Applicant respectfully requests entry of the amendment.

Discussion of Drawings Objection

Figures 1-20 were objected to for being informal. In response, a set of formal drawings are being submitted herewith. No new matter is introduced by the formal drawings. Applicant respectfully requests withdrawal of the objection to the drawings.

Claims Rejections under 35 U.S.C. § 102(b)

Independent Claims 1 and 67 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schaeffer, Jr. et al. (US patent application publication no. 2003/0062990).

Schaeffer discloses a system that utilizes existing powerlines as a medium for transporting data. The office action cites primarily to Figure 6 for disclosing the limitations of Claim 1. Figure 6 is an illustration of a stereo system that utilizes embedded powerline access portals to distribute audio data. "The stereo system is transmitting audio data to remote speakers 98 and 100." (paragraph [0076]).

Schaeffer further describes a second inventive system that transports control signals via powerline. Schaeffer explains in paragraphs [0096 – 0097] that the control signals are used to turn on/off electronic devices that are located in "rooms that have light sockets and power outlets." However, the control signals disclosed in Schaeffer are not transmitted with an audio signal as a combined signal or used to manipulate the audio signal. As explained in Schaeffer, an "application of control signals is to send a signal that will turn lights on and off, control audio systems." (paragraph [0096]). The control signals in Schaeffer are used to simply turn remotely located electronic devices on and off.

Schaeffer provides a detailed example that is consistent with this interpretation in paragraph 0097. Schaeffer describes how a user located in a living room may use an infrared remote to send an on/off control signal to a stereo system located in a den via powerline. Specifically, the infrared signal from the remote control is received and transmitted by a first

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access portal located in the living room. The first access portal transmits the on/off control signal to a second access portal in the den via powerline. The second access portal transmits the on/off control signal to the stereo system via infrared. When the stereo system is turned on by the received on/off control signal, the stereo system generates and sends an audio signal to the speakers in the upstairs bedroom via a third access portal. A fourth access portal in the upstairs bedroom receives the audio signal via powerline.

Not only does the stereo system in the den not send a control signal to the speakers in the bedroom, there is no reason for the stereo system to send the speakers the control signal. Accordingly, the on/off control signal is never combined with the audio signal nor is the audio signal manipulated by the on/off control signal. Further, the on/off control signal and the audio signal are never transmitted together during powerline transmission.

Nowhere does Schaeffer describe "a receiver moduleconfigured to extract a control signal and an audio signal from the converted combined signal, the receiver module manipulating the audio signal based on the extracted control signal" as recited in Claims 1 and 67. The applied prior art of record does not cure this deficiency in Schaeffer.

As explained above, only the on/off control signal in Schaeffer is generated and transmitted between the remote control and the stereo system during a first leg over a powerline. During a second leg only the audio signal is generated and transmitted between the stereo system and the speakers over a powerline. Accordingly for at least these reasons, Claims 1 and 67 are not anticipated by Schaeffer. Therefore, allowance of independent Claims 1 and 67 is respectfully requested.

Dependent Claims

Dependent Claims 2-9, 15-35, 68-75, and 81-101 depend directly or indirectly from Claims 1 and 67 and, thus, are patentable for at least the same reasons that the claim from which they depend is patentable over the art of record. Therefore, allowance of Claims 1-9, 15-35, 67-75, and 81-101 is respectfully requested.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is earnestly requested.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants have not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references.

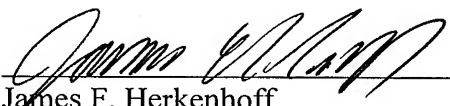
The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney, James Herkenhoff at (619) 687-8663 (direct line), in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 
James F. Herkenhoff
Registration No. 51,241
Attorney of Record
Customer No. 20,995
(619) 235-8550

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